

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:)
Robert E. Callies et al.)
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Serial No.: 09/872,604)
)
Filed: June 1, 2001)
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Group Art Unit: 3752)
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Examiner: Davis D. Hwu)
)
For: DISTRIBUTION TUBE ASSEMBLY)
FOR IRRIGATION)
)
)

Commissioner for Patents
Alexandria, VA 22313-1450

APPLICANT'S SECOND SUPPLEMENTAL REPLY BRIEF

Dear Sir:

On November 30, 2007 a new Examiner's Answer was filed. So far as Applicant can tell, the November 30, 2007 Examiner's Answer is the same as the Examiner's Answers that were filed on May 8, 2007 and on July 31, 2007. Applicant fully responded to these previous Answers on July 9, 2007 and September 21, 2007, respectively.

On page 8 of the November 30, 2007 Examiner's Answer is a statement that Applicant must exercise an option to either reopen prosecution or maintain the appeal. The present Applicant's Second Supplemental Reply Brief is being filed to comply with this statement.

Pursuant to 37 CFR 41.39(b)(2), Applicants request that the appeal be maintained and rely on their Reply Brief as filed on July 9, 2007.

Applicant's attorney on December 6, 2007 left a voice mail for Examiner Hwu asking for an explanation as to why three Examiner's Answers have been filed in this application.

Examiner Hwu contacted the undersigned and acknowledged the Examiner's Answer mailed on November 30, 2007 was probably unnecessary. Nevertheless, Applicants file this paper to comply with the directive of the November 30, 2007 Examiner's Answer.

It is respectfully pointed out that the Notice of Appeal and Applicant's opening brief were filed on April 18, 2005. The original Examiner's Answer was filed on June 3, 2005. On March 21, 2007 the Board found the original Answer to be defective. A corrected Examiner's Answer has now been filed three times since the Board's order. As mentioned above, so far as Applicant can tell, all three of the corrected Answers are essentially identical. Applicant has responded to each of the corrected Answers. It is believed all will agree that the briefing is more than complete. It is respectfully requested that the Board take up the application for consideration.

Respectfully submitted,

/joel h. bock/

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